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TAGS: [PGOV](#) [PREL](#) [UNMIK](#) [UNSC](#) [YI](#)  
SUBJECT: RUSSIA OBSTRUCTIVE AS UNSC CONSIDERS PROPOSAL FOR  
KOSOVO INDEPENDENCE

REF: SECSTATE 42643

Classified By: Ambassador Alex Wolff, Reasons 1.4 (b and d).

11. (C) Special Envoy Ahtisaari briefed the Security Council on April 4 on the Kosovo status process and detailed his reasoning for recommending that Kosovo become an independent state. The format of the meeting was decided only 90 minutes before Ahtisaari began his presentation, largely because Russia insisted that Kosovo President Sejdiu not be allowed to participate on an equal footing with Serbia Prime Minister Kostunica. Council members eventually compromised on a series of three meetings during the afternoon and evening -- a private council meeting (no press, no cameras, Serbia, Germany, and SRSG Rucker reading Sejdiu's speech), a brief "Arrias-style" informal meeting for Sejdiu, and closed consultations (members only) with Ahtisaari. Speaking at the private meeting, at which Sejdiu sat behind Rucker, Serbia Prime Minister Kostunica detailed a legalistic argument that the international community could not deprive Serbia of "fifteen percent of its territory." Kostunica said Serbia was ready to begin negotiations under a new international mediator aimed at "finding the best form of substantive autonomy for the 'province'." Rucker read Sejdiu's speech fully supporting the Ahtisaari proposal and recommendations as the only way forward. During the closed consultations, Russian PermRep Churkin, picking up on Kostunica's earlier comments, cited a long list of UN and other documents that he said established that an "imposed solution violating Serbia territorial integrity" would not be legally defensible. China and Indonesia expressed basic sympathy with the Russian message. Congo and South Africa were concerned about setting a precedent that might affect their domestic equities. UK, France, Belgium, Slovakia, Italy and U.S. all delivered solid messages of support for Ahtisaari. End summary.

Three Hours Debate on Meeting Format

12. (C) The morning consultations of the Security Council were ostensibly dedicated to consideration and adoption of the program of work for the April presidency of the UK. In reality, the morning was devoted to Kosovo polemics regarding the format of the afternoon session with Russia insisting from the outset that Kosovo President Fatmir Sejdiu not be allowed a speaking role in any official Council meeting. In a challenging start to its presidency, the UK at one point described five outstanding format proposals none of which seemed to have sufficient support to be adopted. (NOTE. The specter of a rare procedural vote hung over the proceedings with backbenchers continuously projecting national comments into possible votes. Nine votes are needed for any Council

procedural motion with no veto available. END NOTE.) Panama startled most members by early on supporting the Russians effort to deny Sejdiu a speaking role. Later on, though, Panama announced it had been informed that Arrias-style meetings are not official Council meetings and that allowing President Sejdiu only an informal meeting would be unseemly. As Panama, the potential swing, flipped back and forth, Russian PermRep Vitaly Churkin underwent a quite visible transformation from arrogant disdain for any Sejdiu participation to strong advocacy for a complex UK proposal that had UNMIK SRSG Joachim Rucker reading Sejdiu's prepared speech in a private meeting (closed to the press and uninvited UN members) at which Serbian Prime Minister Vojislav Kostunica would speak with Sejdiu sitting behind Rucker. This was the very proposal Russia had rejected all morning and was the formula ultimately adopted along with an informal "Arrias-style" meeting of Council representatives for Sejdiu and closed consultations with Special Envoy Martti Ahtisaari.

Kostunica Blasts Ahtisaari, Sejdiu's Words Praise Him  
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13. (SBU) Special Envoy Ahtisaari began his address by reminding participants that former Special Envoy Kai Eide's review of the implementation of the international community-created Standards of Good Governance in Kosovo had concluded in 2005 that it was time to start the final status process and that his terms of reference had given him a mandate to do so. He noted that he had made numerous visits to the region and had presided over many meetings of the parties during the 16 months the UN Office of the Special Envoy for Kosovo (UNOSEK) has been in existence. He finds the positions of the sides to be irreconcilable and has concluded that further work would not yield greater results.

In making his settlement proposal and status recommendations to the Security Council, he said his goal is to make a viable and stable Kosovo so that Kosovars outside it could return. Ahtisaari stressed repeatedly that his package had historically generous provisions for protection of minorities, to such an extent in certain cases that it tested the limits of functionality. His bottom line recommendation is that the only solution for Kosovo's future is supervised independence as all control of Belgrade had been severed eight years before and it would not be possible to go backward or find a solution in a vacuum. Without a status solution, he believes Kosovo would be not be able to develop a viable economy and neither Kosovo nor Serbia would be able to move toward integration into the EU. He said Kosovo Serbs also needed to be encouraged to participate in Kosovo's institutions. Ahtisaari urged endorsement of his package to complete the last episode of the recent history of the Balkans and allow the region a new future.

14. (SBU) Prime Minister Kostunica stated that Serbia is "an old European state" that had been a founding member of the UN and charged that no one had been able to justify why Serbia should be stripped of 15% of its internationally recognized territory. He claimed that creating an Albanian state in Kosovo would also be unwarranted because Albanians already have a state. Recently Albanian separatists and terrorists had been making increasing threats of violence. He accused Ahtisaari of acting beyond his mandate by listening to the views of one side only. Kostunica also proposed more negotiations based on resolution 1244 under a new special envoy and said he fully supported Russia's proposal for a fact-finding mission to the region to see whether UNSCR 1244 has been implemented. Kostunica warned that Serbia "would never allow itself to be dismantled."

15. (SBU) UNMIK SRSG Joachim Rucker told the Council that he would read a speech that Kosovo President Sejdiu had intended to deliver. Sejdiu's words took on an ironic aspect when Rucker read that Sejdiu was grateful for the opportunity to address the Council for the first time in formal session. (NOTE. Rucker later told poloffs that he had tried to capture some of the feeling of the speech in this awkward format

without attempting a dramatic reading. END NOTE.) Sejdiu's major points included: that Ahtisaari had conducted the status process with great care and explored all avenues for compromise; that the Kosovar side had agreed to a number of compromises for the sake of Kosovo's future and a new relationship between Kosovo and Serbia; that the violent breakdown of the former Yugoslavia had made Kosovo a very special case; that Kosovo had made great progress since the Security Council severed Belgrade's governance in 1999. Speaking then in his own capacity, Rucker noted that UNMIK had reportedly regularly on standards implementation, most recently on 19 March, and stressed that a solution to Kosovo's status would only become more difficult over time.

Arria Meeting: Maybe Eight Minutes  
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¶16. (SBU) During a quick Arria style meeting with President Sejdiu, Sejdiu expressed the hopes and intentions of the Kosovars to bring to a close the current chapter of their history and open soon a new one.

Closed Consultations: Hints of the Views From Capitals  
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¶17. (SBU) South African Permrep Kumalo said he strongly supported a Security Council trip to Belgrade and Pristina so all could see the lay of the land. South Africa was pleased that Ahtisaari was leading the status process given his track record on African issues. South Africa was still concerned by a decision that could set an international legal precedent. South Africa did not want an imposed solution.

¶18. (SBU) Reading a statement in Russian, Ambassador Churkin said he would not go into detailed discussion of Ahtisaari's plan and package but stressed that Russia could not agree it was the basis for a just resolution of the problem as it envisaged an imposed decision. It was obvious to Russia that an imposed solution would be illegal based on paragraph 11 of resolution 1244, the Rambouillet accords, and UN documents such as S 1999 648 and addendum 2 of UNSCR 1244 respecting the territorial integrity of Serbia and other countries in the region. Churkin pointed also to the PRST beginning the status process in the same vein. The Helsinki Final Act

allows for changes in borders, said Churkin, but only by political means and with the agreement of parties involved. He said the importance of a Security Council decision based on compromise was also included in many other UNSC documents such as S 2005 709. He concluded by alleging that talks were far from exhausted and reiterating that an imposed settlement would not be possible because we could not dismember a sovereign state.

¶19. (SBU) France said that a solution was indispensable notwithstanding that the Ahtisaari process had not produced one. France said the EU stands fully behind Ahtisaari and is prepared to send the largest police and judicial mission in its history to Kosovo in implementation of his settlement proposal. France believes the Council faces a critical decision and needs to keep in mind the impossibility of delay and the unique nature of the problem.

¶10. (SBU) Belgium stated that the status quo and UNMIK were not options. Other options had been explored and were not realistic. Ahtisaari made many trips to the region and conducted many meetings of the parties and had ultimately offered a unique solution for a unique case.

¶11. (SBU) Speaking for the U.S., Ambassador Wolff stressed that we could not forget about the history leading to the situation we face today. The U.S. strongly supports Ahtisaari's recommendation of supervised independence as the best chance for the region to move forward. Kosovo deserved clarity about its future after eight years of UN administration. Further delay would only make it more difficult to find a sustainable solution. 1244 had not ruled

out any outcome, including independence. Kosovo was a special case and Ahtisaari's recommendations were specifically tailored to it and should not be extrapolated to other conflicts.

¶12. (SBU) Ghana stated that the status quo cannot be upheld and insisted on peace and security in region also noting that the proposal by Ahtisaari was a courageous effort to fix the situation. A Security Council trip to region would also be helpful.

¶13. (SBU) Indonesia stressed that though Ahtisaari's report showed the parties were strongly opposed and an agreed solution would be difficult, an "automatic conclusion" should not be made. Territorial integrity was enshrined in Indonesia's constitution. Indonesia understood, however, that the particularity of every situation should be examined.

¶14. (SBU) China stated that the status question was at a critical stage and China was gravely concerned. China had always maintained that a solution acceptable to both sides was the most appropriate way out. The international community should support negotiations for a settlement proposal. A secession of the Council could have a far reaching impact so the Council should not be reckless. The EU had a unique role and should help the parties to reach an agreement. China supported Russia's request for a comprehensive review of 1244 and a fact finding mission.

¶15. (SBU) Slovakia stated that peace and stability in the Balkans was most important and the Council should act in a timely manner. Slovakia would welcome a conclusion to the status process leading to a new resolution that took into account the interests of Pristina and Belgrade. There was no reason to believe more negotiations would lead to a mutually acceptable conclusion. It was critically important any solution be sui generis.

¶16. (SBU) Italy supported Ahtisaari's package saying that delaying decisions would only increase tensions in the region. A new Security Council resolution was needed and Italy was strongly committed to the implementation of Ahtisaari's package.

¶17. (SBU) Panama said both territorial integrity and self-determination were important factors. Kosovo was historically part of Serbia but "had a different makeup now" and we could not ignore the ethnic cleansing of the 1990s.

¶18. (SBU) Qatar was convinced that as Ahtisaari's report had said this was a unique case that needed a unique solution. We should consider the case carefully and its impact on the Balkan region. The Council should be cautious and Qatar

called for patience and wisdom.

¶19. (SBU) Congo praised Ahtisaari's work in Africa in the past saying that trusted him. We should not set a precedent because of the fragile situation in Africa. This situation could lead to the dismantling of a sovereign state. However Congo also knew that the Security Council could not go on supporting UNMIK. Congo said the Council should make a decision based on full knowledge, The acts of the Milosevic government could be used by others around world as justifications as well. "Sadam Hussein had done similar things in Iraq some years back and certain populations could use these same arguments," said Congo.

¶20. (SBU) Peru said it had listened carefully and had no answers yet but did have questions. Peru asked why clarity on status necessarily meant independence as there were other options in other places in the world. It was difficult to accept the argument that there were no other options. The Council would probably in the end set some kind of precedent but needed members should ask ourselves if that was the price they were willing to pay to guarantee peace and stability in

the region.

¶21. (SBU) The UK, speaking in its national capacity and not as Council President, stated that it was an illusion to think we could reach a negotiated settlement. While a negotiated settlement was desirable, we could not hang onto that hope forever.

WOLFF